

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHAEL A. MARSHALL,

Plaintiff,

vs.

**BNSF RAILWAY COMPANY, Individually
and as Successor-in Interest to the
Burlington Northern and Santa Fe
Railway Company, Atchison Topeka
and Santa Fe Railway Company,
Chicago, Burlington and Quincy
Railroad Company, Burlington Northern
Inc., and Burlington Northern Railroad
Co;**

Defendant.

CASE NO. 8:12CV206

**ORDER AND
FINAL JUDGMENT**

This matter is before the Court on the parties' Joint Stipulation for Dismissal without prejudice. (Filing No. 13.) The stipulation complies with the requirements of Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and the Court concludes that it should be approved. The Court will not assess costs or attorney's fees. Accordingly,

IT IS ORDERED:

1. The parties' Joint Stipulation for Dismissal without prejudice (Filing No. 13) is approved;
2. This action is dismissed without prejudice; and
3. The Court will not assess costs or attorney's fees.

Dated this 28th day of September, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge